

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MIGUEL ANGEL SUAREZ-PEREZ,

Defendant.

8:04CR278

TRIAL ORDER

This matter was originally set to be tried in August 2004. The trial date was extended due to the filing of pretrial motions and the appointment of substitute counsel. On March 10, 2005, the matter was removed from the trial docket based on defendant's request to enter a plea of guilty. The plea hearing, originally set for March 25, 2005, was continued to April 27, 2005 at the defendant's request. On April 26, 2005, defense counsel notified the court by telephone that defendant, in fact, did not intend to plead guilty and asked that the matter be placed on the trial docket.

IT THEREFORE IS ORDERED that defendant's oral motion is granted, as follows:

1. The plea hearing now set for April 27, 2005 is cancelled.
2. This case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin **Tuesday, May 17, 2005 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant must be present in person.
3. The ends of justice will be served by rescheduling the trial date and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **April 27, 2005 and May 17, 2005** shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED April 26, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge